

REMARKS/ARGUMENTS

Applicants thank the Examiner for his review of the application.

In the June 21, 2004 Office Action, the Examiner objected to claims 1, 5, 18, 26, and 28 because of some informalities therein.

In addition, it appears that the Examiner rejected claims 1-3, 5, 8-10, 12-14, and 19 under 35 U.S.C. 103(a) as being obvious over Kee (US 6,070,582) in view of Bayron et al. (US 5,746,199) in the June 21, 2004 Office Action.

The Examiner, however, indicated that claims 15-18, and 25-29 would be allowable if claims 15, 25 and 28 are rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner did not address claims 6-7 in the June 21, 2004 Office Action. During a telephone conference with Douglas D. Zhang on July 1, 2004, the Examiner indicated that claims 6-7 would be allowable if claim 6 is rewritten in independent from including all of the limitations of the base claim.

Correction of Informalities

As recited above, Applicants have amended claims 1, 5, 18, 26, and 28 to correct the informalities noted by the Examiner. No new matter has been added.

Rejection under 35 U.S.C. 103(a)

Claim 1

The 103(a) rejection with respect to claim 1 was based on obviousness over a combination of two references, namely, Kee and Bayron et al. In the Examiner's opinion, the difference between Kee and claim 1 is a sphere valve, Bayron et al. discloses a sphere valve, and it would have been obvious to modify the respirator manifold of Kee to include a sphere valve disclosed in Bayron et al.

Applicants respectfully traverse.

In order to support a rejection of a claim over a combination of references, the following conditions must all be satisfied: (1) the combined references, taken together, must teach or suggest all claim limitations; (2) there must be a suggestion or motivation in the references or in the knowledge generally available to one of ordinary skill in the art to combine the reference teachings; and (3) there must be a reasonable expectation of success. MPEP 2143.

In the present situation, we need not extend the analysis beyond the first of these elements, because Kee and Bayron et al. in combination fail to disclose all of the elements of claim 1. Applicants respectfully submit that when the disclosure of Kee and Bayron et al. is properly analyzed, it should be apparent that such disclosure lacks certain limitations recited in claim 1.

For example, Kee and Bayron et al. in combination do not disclose “a hollow interconnection component having a first end releasably attached to the rim connector, and a second end,” nor do they disclose “a hollow terminal having a first end and a second end”, where the second end of the probe is “slidably received within the terminal” and the first end of the sphere valve is “releasably attached to the second end of the terminal.” In addition, contrary to the Examiner’s interpretation, Bayron et al. does not disclose a sphere or ball-shaped valve. In addition, because the hollow patient/ventilator connection is “attached to the second end of the sphere valve” (meaning the patient/ventilator connection is positioned downstream of the sphere valve), the sphere valve of the present invention cannot shut down the passage from a ventilator to a patient. (see Fig. 4). In contrast, the valve in Bayron et al. shuts down such passage in one of its two working positions (see Fig. 3; col. 3, lines 37-43).

Moreover, as these missing aspects are not supplied by any teaching of Kee or Bayron et al., it therefore follows that Kee and Bayron et al., taken together, do not teach all of the limitations of claim 1. As a result, claim 1 is patentable.

Claims 2-3, 5, 8-10, 12-14, and 19

Claims 2-3, 5, 8-10, 12-14, and 19 are patentable over Kee in view of Bayron et al. because they directly or indirectly depend from claim 1 and therefore incorporate all of the limitations of claim 1, which as discussed above, is patentable.

Moreover, some of those claims include additional limitation or limitations that are not disclosed in either Kee or Bayron et al. For example, contrary to the Examiner's interpretation, the first end of the connection of the suctioning valve of Kee does not have a progressive staggering for receiving vacuum lines of varied diameters, a limitation claimed in claim 3.

Claims 15-18, and 25-29

Similarly, claims 15-18, and 25-29 are patentable because they directly or indirectly depend from claim 1 and therefore incorporate all of the limitations of claim 1. In addition, as the Examiner indicated, each of those claims includes additional limitation or limitations that are patentable in view of the prior art.

Priority Claim

The application claims priority based on a Brazilian Patent Application No. 9804529-6, filed on October 23, 1998, and Applicants submitted a new supporting Declaration on February 24, 2004. Please acknowledge the priority claim in the next communication.

Information Disclosure Statement

Applicants submitted a first supplemental Information Disclosure Statement on February 24, 2004. In addition, Applicants submitted a second supplemental Information Disclosure

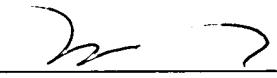
Statement on March 25, 2004. Please acknowledge receipt of those documents by returning signed copies thereof to the undersigned and checking the appropriate attachment box in the next communication.

CONCLUSION

In view of the forgoing, Applicants believe that the amendments and remarks made herein place this application in a condition for allowance, and respectfully request that the application be allowed.

Dated: December 21, 2004

Respectfully submitted,


Douglas D. Zhang (Reg. No. 37,985)
Attorney for Applicants

HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, New York 10004-1482
212-837-6000